



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

struck and run over by the wagon, the allegations were sufficient to warrant a recovery on a showing that the child ran across the street and ran into the wagon.

NORFOLK & W. RY. CO. *v.* GEE.

Jan. 18, 1906.

[52 S. E. 572.]

1. Torts—Nature of Liability.—Where an act is lawful in itself, injury resulting therefrom is not actionable, unless the act is done at a time, or in a manner, or under circumstances indicative of a want of proper regard for the rights of others.

[Ed. Note.—For cases in point, see vol. 45, Cent. Dig. Torts, §§ 1-5.]

2. Railroads—Operation—Frightening Animals—Actions for Injuries—Pleading.—A declaration against a railroad for injuries caused by plaintiff's horse taking fright at a hand car standing near a crossing is demurrable, where it fails to show that the hand car was by its nature an object calculated to frighten horses of ordinary gentleness.

[Ed. Note.—For cases in point, see vol. 37, Cent. Dig. Negligence, § 182.]

3. Same—Improper Crossings—Actions for Injuries—Pleading—Proximate Cause.—A declaration against a railroad for personal injuries sustained at a crossing, alleging as negligence defendant's failure to keep its right of way at the crossing sufficiently smooth and level to admit of safe and speedy travel over the crossing, as required by Va. Code 1904, p. 669, § 1294d, cl. 39, is demurrable, where it fails to state the nature of the defects complained of, or facts showing that the condition of the crossing was the proximate cause of the injuries sustained, which, it was alleged, resulted from plaintiff's horse taking fright near the crossing and plaintiff's inability to control the horse, owing to the defective crossing.

[Ed. Note.—For cases in point, see vol. 41, Cent. Dig. Railroads, §§ 1108, 1109.]

PENDLETON'S ADM'R *v.* RICHMOND, F. & P. R. Co.

Jan. 18, 1906.

[52 S. E. 574.]

1. Trial—Demurrer to Evidence.—Evidence, on demurrer thereto, must be taken as true.

[Ed. Note.—For cases in point, see vol. 46, Cent. Dig. Trial, § 355.]

2. Carriers—Duty of Passenger—Ordinary Care.—The fact that one waiting at a railroad station is to be regarded as a passenger, and entitled to that high degree of care for his protection due from a com-